UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. $10,594.00 IN U.S. CURRENCY, Defendant.	Civil No. 07cv2007-DMS(WMc) **ORDER GRANTING MOTION FOR JUDGMENT BY DEFAULT AS TO THE INTEREST OF AMBROSIO ARELLANO, ROSA MARIA ARELLANO, AND ALL POTENTIAL CLAIMANTS AND FORFEITING THE DEFENDANT TO THE UNITED STATES**

This matter came before the Court on the Plaintiff Government's motion for an order granting it default judgment. No written opposition to the motion was filed or otherwise received. Based upon the Government's motion and upon review of the Court's file in this matter,

1. The Government's motion is GRANTED.

2. The Court makes the following findings and conclusions:

a. On October 17, 2007, a verified complaint for forfeiture was filed against the above defendant, $10,594.00 in U.S. Currency ("Defendant"). On November 9, 2007, the Defendant was seized and arrested by a duly authorized United States Marshal, who thereafter took possession and custody of the Defendant, pursuant to the Court's Order dated October 26, 2007, appointing the United States Marshal as custodian.

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b. On November 21, 28, and December 5, 2007, pursuant to Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Claims, notice was published in the San Diego Commerce.

c. On November 7, 2007, a Notice of Complaint and a copy of the Complaint for Forfeiture were sent by certified mail as follows:

Name and address	Article No.	Result
Ambrosio Arellano Rosa Maria Arellano 1126 Bobolink Drive Vista, CA 92083	7004 2510 0003 3013 3073	Signed for as received on November 13, 2007.
Donovan J. Dunnion Attorney at Law 600 West Broadway, Suite 1550 San Diego, CA 92101	7004 2510 0003 3013 3066	Signed for as received on November 8, 2007.

d. On July 8, 2008, a Declaration of and Request for Clerk's Entry of Default was filed in this case. A Clerk's Entry of Default was issued on July 9, 2008 as Document No. 7.

e. On July 22, 2008, the Government filed its Notice of Motion and Motion for Judgment by Default as to the Interest of Ambrosio Arellano, Rosa Maria Arellano, and All Potential Claimants.

f. Plaintiff's verified Complaint for Forfeiture sets forth adequate evidence demonstrating the forfeitability of the Defendant currency and no one has come forward to dispute the facts. The Government has demonstrated by a preponderance of the evidence that the Defendant currency was furnished in exchange for a controlled substance, and is forfeitable pursuant to Title 21, United States Code, Section 881(a)(6).

3. The Defendant currency is hereby condemned and forfeited to the United States of America pursuant to Title 21, United States Code, Section 881(a)(6). Judgment shall be entered on Plaintiff's complaint in favor of the United States of America.

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4. Costs incurred by the United States Marshals Service, the Drug Enforcement Administration and any other governmental agencies which were incident to the seizure, custody and storage of the Defendant currency shall be the first charge against the forfeited Defendant currency.

IT IS SO ORDERED.

DATED: September 9, 2008

HON. DANA M. SABRAW
United States District Judge